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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,575	11/21/2003	Richard K. Hoofard	87269.4042	9401

7590 05/25/2005

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Washington Square  
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1050 Connecticut Avenue  
Washington, DC 20036

EXAMINER
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ADDIE, RAYMOND W

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/717,575

Applicant(s)

HOOFARD ET AL.

Examiner

Raymond W. Addie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 8-16, 24-32, 38 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 17-23 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/15/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant's election with traverse of Group I, claims 1-7, 17-23, 33-37 in the reply filed on 3/ is acknowledged. The traversal is on the ground(s) that the search puts no serious burden on the Examiner. This is not found persuasive because any search directed towards a ramp/dock leveler/aircraft passenger bridge "in general" is found in class 14, sub-classes 69.5, 71.1, 71.3, 71.5, 71.7, 72.5; and is quite extensive. As evidenced by the definition/classification of each sub-class, it can be seen that the sub-classes are differentiated by the structural features and relationships between said features, that permit/perform the intended function. Further, the different inventions must be searched separately, based on said features/relationships and actual functions being performed. Hence, the different features and relationships in each of the different groups would cause the dock leveler to have different modes of operation and/or different effects on the operation of said dock levelers.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities: The phrase "is biased to a supporting position", in line 2, and the phrase "move to a retracted position" is vague, and it is unclear as to whether the "supporting position" and the "retracted position" correspond and further limit the --first position-- and the --second position-- recited in Claim 1, or if Claim 5 is requiring additional positions

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totaling 4 positions, a 1<sup>st</sup>, a 2<sup>nd</sup>, a supporting and a retracted positions.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 33-37 are rejected under 35 U.S.C. 102(e) as being anticipated by

Webster # 6,820,295 B2

Webster discloses a method of operating a dock leveler ramp comprising the steps of:

Providing a dock leveler with at least one support leg (20, 22) biased to a supporting position.

Configuring the support leg (20) to retract when the dock leveler ramp descends slower than a predetermined speed, by

Moving a cam (46) along a camming surface (18).

Configuring the cam (46) to not move, or to not move substantially further along the camming surface when the dock leveler ramp descends faster than a

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predetermined rate by moving an axle supporting the cam along a slot, the slot being defined by the top of member (18) and the bottom of the ramp (16). See Fig. 1.

Biasing the axle to one end of the slot.

Configuring the support leg (22) to support the ramp at one or more positions, such as below a loading dock level. See Fig. 1; col. 5, lns. 7-42.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 17-23, 33-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Webster # 6,820,295 in view of Springer et al. # 5,440,703.

Webster discloses a dock leveler (10) having a ramp (16), a lip (19) comprising;

A support leg apparatus (20, 22), attached to the ramp (16) and having at least one support leg (22).

A camming surface (46), in the form of a roller cam (46), biased toward a 1<sup>st</sup> and vertical position, and movable to a 2<sup>nd</sup> position, when the ramp descends faster than a minimum rate.

A support structure (42) configured to support the ramp when said support structure engages at least one of said support legs (20, 22).

Wherein the support leg (20) further comprises a cam (20) aligned to engage said camming surface (46).

Further wherein said camming surface (46) is configured to remain in the 1<sup>st</sup> vertical position when the ramp descends slower than said minimum rate of decent. See col. 4, ln. 21-49; col. 5, lns. 7-43.

What Webster does not disclose is whether or not the dock leveler includes a lip holder for supporting the lip (19).

However, Springer, et al. teaches it is known to combine a support leg holder (42) with a lip holder (38), such that a support leg (40) or a dock lip (18), is supported in a pendant position. Wherein the support leg holder (42) includes a support structures (42a, 42b) for supporting the support legs (40) in a variety of supporting positions. See Figs. 2-4, 11, 12; col. 10, ln. 34-11, ln. 32.

In regards to claims 5-7, 21-23 Webster discloses the support leg (22) is biased to a 1<sup>st</sup> supporting position and is configured to move to a retracted position when said support leg apparatus (20) is configured to engage said camming surface (46). Webster further discloses the ramp descends slower than the minimum rate and the lip does not engage the lip holder. Such as when a lowered, below dock level operating position is desired. See col. 6, lns. 1-11. Webster further discloses leg guide (30).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

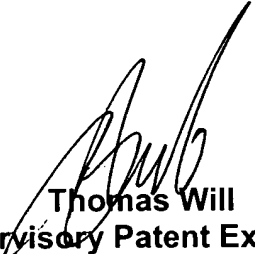
Pfleger et al. # 3,137,017 discloses an adjustable dock leveler. Pfleger et al. # 3,902,213 discloses a safety leg for dock levelers. Kovach et al. # 4,619,008 discloses a dock leveler. Alexander # 5,813,072 discloses a safety leg for dock levelers. Holm # 6,085,375 discloses a dock leveler. Massey # 6,216,303 B1 discloses a dock leveler. Springer # 6,276,016 B1 discloses a safety leg system for dock levelers. Massey # US 2004/0117926 A1 discloses a dock leveler. Hoofard et al. # US 2004/0177455 discloses a dock leveler. Hoofard et al. # US 2004/0177456 A1 discloses a dock leveler.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Addie whose telephone number is (571) 272-6986. The examiner can normally be reached on Monday-Saturday from 7:00 am to 2:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Thomas Will**  
**Supervisory Patent Examiner**  
**Group 3600**

**RWA**  
**5/4/2005**